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# Board of Supervisors Agenda

Chairman

**Juan Arambula**

3rd District

Vice Chairman

**Susan B. Anderson**

2nd District

**Phil Larson**

1st District

**Judith G. Case**

4th District

**Bob Waterston**

5th District

**Bart Bohn**

County Admin. Officer

**Phillip S. Cronin**

County Counsel

**Bernice E. Seidel**

Clerk

**TUESDAY**

**APRIL 29, 2003**

**9:00 A.M.**

## **PLEDGE OF ALLEGIANCE**

### **Supervisor Arambula**

1. Proclaim May 12 through 18, 2003, as Peace Officers Memorial Week
2. Proclaim May 12 through 18, 2003, as National Police Week
3. Proclaim May 2003 as Clean Air Month
4. Proclaim May 2003 as Teen Pregnancy Prevention Month
5. Proclaim May 5 through 11, 2003, as Public Service Recognition Week
6. Proclaim May 2003 as Mental Health Month
7. **Morning Consent Agenda – Item Numbers 30 - 61**
  - (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)
  - Items to be removed from Consent for Discussion
  - Approval of Morning Consent Agenda
  - Discussion/Action on Items removed from Consent Agenda

### **County Clerk**

8. Authorize Chairman to execute a letter opposing Senate Bill 430 (Johnson) and Assembly Bill 1531 (Longville) regarding the addition of another statewide primary election

**Administrative Office**

9. Proclaim May 1 through 23, 2003, as the Fresno County Employee Campaign for United Way and Combined Health Appeal
10. Accept the Foster Care Standard and Oversight Committee Annual Report for 2002; endorse the entry of Fresno County into the Family-to-Family Initiative as recommended in the Foster Care Standard and Oversight Committee 2002 Annual Report
11. Adopt resolution designating Fresno County as participants in the Family-to-Family Initiative
12. Authorize Fresno County, through the Department of Children and Family Services, to implement Senate Bill 163 Wraparound Services using a lead agency model; approve and authorize the submission of a Fresno County Senate Bill 163 Plan to the California Department of Social Services
13. Presentation of the Department of Agriculture's Fresno County Crop and Livestock Report for 2002
14. Consider and direct staff regarding recommendations for the California Transportation Commission's Commissioner vacancy recently created by the departure of John Lawson
15. Adopt recommended Workers' Compensation and General Liability Program and Funding Policies
16. Receive verbal report on Information Technology Service Department rates
17. Approve the development of library projects in Tranquillity, Orange Cove, Mosqueda, and Clovis, using Measure B funding and other public and private partnerships; authorize staff to present to the Board at a later date other library projects that meet the adopted principles of need and demonstrate strong public or private partnerships
18. Approve the development of a Workforce Investment Act Youth Apprenticeship Program, which will be a partnership between the Fresno County Workforce Investment Board and building and construction trades

19. Approve the Fresno County Sheriff's Fleet Management Proposal to the Board of Supervisors, effective July 1, 2003 (\$3,672,836 for FY 2003-04); approve and authorize the Chairman to execute a Master Equipment Lease-Purchase Agreement with Ford Motor Credit Company (FMCC), including related addendum, credit application, lease schedules, certificates and documents, for financing the acquisition of 102 vehicles (\$3,918,743.64 - total amount to be financed at 4.00% over 3 years); authorize the Purchasing Agent and Sheriff, or their respective designees, to execute any documents necessary to carry out the financing program (e.g., delivery and acceptance certificates); find that competitive bids need not be obtained for the lease-purchase financing of the 102 vehicles due to unusual and/or extraordinary circumstances (*i.e.*, orders must be placed for 35 Ford Expeditions by May 5, 2003 and 65 Ford Crown Victorias in early May 2003 to obtain best pricing; any delay likely will be substantial, and therefore will be disadvantageous to the County), and, as a result, that the best interest of the County would be served by not securing competitive bids or issuing a request for proposals of such financing (Board Administrative Policy No. 34); approve Salary Resolution amendments, Appendix C, adding two Automotive Mechanics to Sheriff Org. 3110 and deleting three Automotive Mechanics, one Apprentice Mechanic and one Fleet Services Parts Specialist from Fleet Services Org. 8910 effective June 23, 2003 (4/5 vote); adopt resolution increasing appropriations and estimated revenue for FY 2002-03 Sheriff's Org. 3110 in the amount of \$1,357,801 (4/5 vote); authorize the General Services Division Manager, or his designee, to charge the Fleet Services capital reserve funds, as necessary, for operating shortfalls up to \$779,107 during FY 2003-04; approve and authorize the Clerk to execute Budget Transfer number 72 (\$1,357,801) within the Fleet Services ISF Org. 8911 to allow the Sheriff's Department to acquire (102) vehicles.
20. Approve Salary Resolution Amendments (Appendix D) effective June 23, 2003, which delete the following: District Attorney Budget 2860, five positions; District Attorney – Grants Budget 2862, two positions; District Attorney – Welfare Fraud/Child Abduction/Special Remedies/Training Budget 2863, 38 positions; Probation Budget 3430, four positions; and Public Defender Budget 2880, three positions (continued from April 8, 2003)
21. **Board of Supervisors' Committee Reports** – Receive and provide direction (This item reserved for committee reports by members of the Board of Supervisors)
22. **Board Appointments** – (List attached in packet and posted on bulletin board outside of Board Chambers)

**County Counsel**

**23. Closed Session –**

- a. Conference with legal counsel – Existing Litigation Government Code Section 54956.9(a) Ann M. Bennett; Gerald A. Gallagher; Thomas Gattie; Delores Medina; Service Employees International Union, Local 535, AFL-CIO v. County of Fresno; Board of Supervisors, County of Fresno; Gary Peterson, Auditor/Controller, County of Fresno; Superior Court, County of Fresno  
Fresno County Superior Court Case NO. 01CECG01042
- b. Conference with legal counsel – Significant Exposure to Litigation Government Code Section 54956.9(b)  
OR  
Conference with legal counsel – Initiation of Litigation Government Code Section 54956.9(c) – No. of Cases: 1
- c. Conference with legal counsel – Significant Exposure to Litigation Government Code Section 54956.9(b) – No. of Cases: 1

**Sitting as the IHSS Public Authority Governing Board:**

- d. Conference with Labor Negotiator (GC 54957.6): Agency Negotiator: Ralph Jimenez; Employee Organization: SEIU Local 250 – Hours, Wages, and Terms and Conditions of Employment

**NOON RECESS**

**2:00 P.M.**

**24. Afternoon Consent Agenda – Item Numbers 62 - 77**

- (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)
- Items to be removed from Consent for Discussion
- Approval of Afternoon Consent Agenda
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**Administrative Office**

25. Support reauthorization of Federal Transportation Equity Act for Twenty-First Century that will protect public's investment and meet maintenance, safety, and expansion needs of transportation system and insure equitable allocation of Highway Trust Fund revenues at levels aligned with gas tax revenues, and authorize Chairman to send letter to Federal Legislators on Board position
26. Conduct a public hearing to receive testimony from citizens on proposed County Community Development, Housing, and Emergency Shelter Grant Programs; approve 2003-04 Action Plan including uses of Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant funds; adopt resolution authorizing Director of Department of Public Works and Planning to submit Action Plan to U.S. Department of Housing and Urban Development, execute Standards Forms 424, Certifications, and Entitlement Grant Agreements for Community Development Block Grant and HOME Investment Partnerships Program and Director of Human Services System to execute Standard Form 424, Certification and Entitlement Grant Agreement for Emergency Shelter Grant
27. Adopt position opposing proposed Senate Bill 898 (Burton) regarding soil conservation, which would prohibit zoning or rezoning of agricultural land for residential, commercial or other intensive use, and authorize Chairman to forward letter of opposition to State Legislators
28. Conduct first hearing to consider amending the Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Subsection 1505 of Section 1500 - Parks and Grounds relating to Park Entrance Fees and set second hearing for May 13, 2003
29. **Public Presentations** – (This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda – Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic)

**ADJOURNED**

**NEXT MEETINGS:**

May 13, 2003 – 9:00 A.M.

May 20, 2003 – 9:00 A.M.

**MORNING CONSENT AGENDA – Item Numbers 30 - 61**

(Any Board Member may pull any consent item for discussion or separate vote)

**Supervisor Arambula**

30. Proclaim April 30, 2003, as Volunteer Recognition Day
31. Proclaim May 2003 as Elder Abuse Prevention Month
32. Adopt resolution recognizing April 28 through May 4, 2003 as “Mosquito and Vector Control and West Nile Virus Awareness Week”
33. Adopt resolutions honoring the 2003 Registered Nurse of the Year Award Winners –
  - a. Brenda Stark in the category of Education
  - b. Irene Heetebry in the category of Advanced Practice
  - c. Amy R. Tobin in the category of Administration
  - d. David D. Cross in the category of Clinical Practice
34. Proclaim May 2003 as Older Americans Month

**Supervisor Waterston**

35. Approve resolutions for Eagle Scouts – Stephen Blumer, Garrett Biek and Austin Farris

**Coroner-Public Administrator/Guardian**

36. Approve and authorize Clerk to execute Budget Transfer No. 73 to reallocate FY 2002-03 appropriations within the Coroner-Public Guardian Budget Unit 4330 from Services and Supplies to Fixed Assets for purchase of three autopsy saws and one replacement photocopier (\$11,100)

**County Clerk**

37. Approve and authorize Clerk to execute Budget Transfer No. 68 within the FY 2002-03 County Clerk/Registrar of Voters Org. 2850 in order to purchase equipment necessary to support office functions (\$21,000); adopt resolution authorizing the allocation of appropriations from the FY 2001-02 County Clerk/Registrar of Voters Org. 2850 to the FY 2002-03 County Clerk/Registrar of Voters Org. 2850 for the purchase of one replacement facsimile machine (\$4,000) (4/5 vote); adopt resolution increasing the adopted FY 2002-03 Information Technology Services Department-Communications Internal Services Fund Org. 8931 appropriations and estimated revenues to purchase one replacement facsimile machine (\$4,000) (4/5 vote)

**County Counsel**

38. Approve and authorize additional compensation for settlement for the Academy Avenue Eminent Domain case, County v. Vang (\$4,910)
39. Hold second hearing on ordinance to amend Fresno County Ordinance Code section 4.16.090 concerning the allocation of sales and use tax revenues between the County and the Cities of Firebaugh and Reedley

**District Attorney**

- 40. Approve and authorize Chairman to execute an agreement with the California Department of Justice for alcohol analysis services (\$95,000)
- 41. Authorize District Attorney to submit a grant application/agreement for the Elder Abuse Vertical Prosecution Program to the Office of Criminal Justice Planning, State of California (\$155,000); approve and authorize Chairman to execute the application/agreement and Certification of Assurance of Compliance

**Sheriff**

- 42. Approve and authorize the submission of an application to the Department of Justice for the National Institute of Justice Science and Technology Grant funding

**Administrative Office**

- 43. Approve recommended changes to Board of Supervisors' Administrative Policy No. 30 (Donations) to authorize the Auditor-Controller/Treasurer-Tax Collector to accept gifts of any amount of cash, registered securities, mutual funds, and motor vehicles
- 44. Approve and authorize Clerk to execute Budget Transfer No. 67 (\$8,700) transferring funds within the General Services – Facility Services Org. for the acquisition of three laptop computers; adopt resolution increasing the FY 2002-03 Information Technology Services Department Equipment Org. 8908 for the purchase of three laptop computers for General Services – Facility Services (4/5 vote)
- 45. Approve and authorize Chairman to execute application for submission for FY 2003-06 Phase II Preventive Health Care for the Aging Funding to the State Department of Health Services (\$180,000)
- 46. Approve and authorize Clerk to execute Budget Transfer No. 59 for the FY 2002-03 Human Services System to reallocate existing appropriations to purchase computer system enhancements and software (\$42,800) and to fund and maintain one cellular telephone for a year (\$250); adopt resolution increasing the FY 2002-03 Information Technology Services Department-Internal Service Fund Org. 8905 appropriations and estimated revenue to purchase software (\$42,800) (4/5 vote); adopt resolution increasing appropriations and estimated revenue for the FY 2002-03 Information Technology Services Department-Communications Internal Service Fund Org. 8931 to fund and maintain one cellular telephone for a year (\$250) (4/5 vote)
- 47. Adopt resolution approving the FY 2003-04 County Plan and Funding Request for the Substance Abuse and Crime Prevention Act (\$3,100,976) and Substance Abuse Treatment and Testing Accountability Program (\$219,357); delegate authority to the County Lead Agency (Human Services System) to approve revisions and final State submission of the FY 2003-04 Substance Abuse and Crime Prevention Act County Plan and Budget; approve and authorize Chairman to execute an agreement with Fresno County Superior Court for the provision of staff services for Substance Abuse and Crime Prevention Act (\$123,461)
- 48. Authorize the submission of an application to the California State Library for CORE Online Learning grant funds

49. Approve and authorize Clerk to execute Budget Transfer No. 71 (\$6,572) for the In-Home Supportive Services Public Authority to purchase a projector and television to support training activities; adopt resolution increasing appropriations and estimated revenues for FY 2002-03 for the Information Technology Services Department Internal Services Fund Org. 8908 for hardware (\$2,967) (4/5 vote)
50. Approve and authorize Clerk to execute Budget Transfer No. 70 to purchase equipment for the Children Crisis, Assessment, Intervention and Resolution Unit at the Heritage Center (\$15,417)

**Agreements – Approve and Authorize Chairman to Execute**

51. Lease agreement with I.D. Distribution, Inc., for outpatient mental health office space (\$1,230,000)
52. Agreement with Fresno Long Term Care Group, Inc., for the provision of medical services to consumers in mental health facilities (177,000)
53. Retroactive revenue agreement with Children and Families Commission of Fresno County and related signatory authorization for a community-based partnership to develop a children’s model of care for high-risk children, zero through 5 years, in Fresno County (\$113,693); and retroactive amendment to the sole source agreement with the National Training Institute, a Training Partner of the Children’s Research Triangle, to provide consultation, facilitation, and technical assistance for the development of a children’s model of care (\$112,551)
54. Retroactive amendment to sub-lease agreement with Workforce Investment Board for office space at the Reedley One-Stop Center (\$1,826,981)
55. Amendment to the master agreement for interpreting and translation services to Limited English Proficient consumers served by the Human Services System (\$72,500)
56. Agreement with the Superintendent of Fresno County Schools for reimbursement of costs associated with facility improvements of the Jail Pod at the Fresno County North Annex Jail (\$6,163.30); and adopt resolution increasing the FY 2002-03 Capital Improvement Projects Org. 1910 appropriations and estimated revenue (\$6,163.30) (4/5 vote)
57. Amendment to revenue agreement with the State Emergency Medical Services Authority for distribution of Trauma Care Funds (\$100,796); and adopt resolution increasing the Department of Community Health FY 2002-03 Org. 56201673 appropriations and estimated revenue (\$99,788) (4/5 vote)
58. Approve the “AGREEMENT TO DEFEND PUBLIC OFFICER OR EMPLOYEE” with the provision of defense counsel to appear and defend with Reservation Rights; XongVue Yang, Sr. D.A. Investigator; as named in U.S. District Court Eastern District of California Case No.: CIV F-01-5437 REC LJO - May Yang, et al. v County of Fresno
59. Approve the “AGREEMENT TO DEFEND PUBLIC OFFICER OR EMPLOYEE” with the provision of defense counsel to appear and defend with Reservation of Rights; Mark Dawson, Correctional Officer IV; as named in U.S. District Court Eastern District of California Case No.: CIV F 02 5304 AWI DLB P – Albert Orozco v County of Fresno, et al.

60. Approve the “AGREEMENT TO DEFEND PUBLIC OFFICER OR EMPLOYEE” with the provision of defense counsel to appear and defend with Reservation of Rights; Lorelee H. Cervantes, Coroner-Public Administrator/Guardian; and Richard Tobin, Coroner-Public Administrator, Division Manager; as named in Fresno County Superior Court Case No.: 02 CE CG 03529 – Cheri Moore v County of Fresno, et al.
61. Approve the “AGREEMENT TO DEFEND PUBLIC OFFICER OR EMPLOYEE” with the provision of defense counsel to appear and defend with Reservation of Rights; Jennifer L. Young, Social Worker III; as named in Fresno County Superior Court Case No.: 03 CE CL 01307 – State Farm Mutual Automobile Insurance Co. v County of Fresno, et al.

**Afternoon Consent Agenda Item –Item Numbers 62 – 77**

(Any Board Member may pull any consent item for discussion or separate vote)

62. Accept right-of-way dedication for Big Dry Creek from Wawona Ranch, Inc., a California Corporation and Leo Wilson Co., Inc., a California Corporation, in conjunction with improvements for Tract No. 5038 in the City of Clovis
63. Approve release of Labor and Materials Security posted (\$199,076) and reduce Performance and Maintenance Security posted from \$568,965 to \$69,143 to guarantee maintenance of improvements for Tract No. 4992 for one year
64. Approve release of \$11,372.40 Maintenance Security for Tract No. 4943, as one-year maintenance period ended March 12, 2003
65. Approve and authorize Clerk to execute Budget Transfer No. 64 (\$3,007) from CSA No. 44-A, Fund 0870, Subclass 16400, Org. 9244, Contingencies Account 8991 to Professional & Specialized Services Account 7295
66. Approve and authorize Clerk to execute Budget Transfer No. 66 from CSA NO. 44-D, Fund 0870, Subclass 16430, Org. 9247, Contingency Account 8991 to Professional & Specialized Services Account 7295 (\$12,746); adopt budget resolution increasing FY 2002-03 appropriations by \$51,088 in CSA No. 44-D, Fund 0870, Subclass 16430, Org. 9247, Professional & Specialized Services Account 7295 from General Reserves (4/5 vote)
67. Approve and authorize Clerk to execute Budget Transfer No. 65 from CSA No. 47, Fund 4030, Subclass 40680, Org. 9310, Contingencies Account 8991 to Professional & Specialized Services Account 7295 (\$23,188); and adopt budget resolution increasing FY 2002-03 appropriations by \$16,812 in CSA No. 47, Fund 4030, Subclass 90680, Org. 9310, Professional & Specialized Services account 7295 from General Reserves (4/5 vote)
68. Approve and authorize Clerk to execute Budget Transfer No. 57 from WWD No. 38, Fund 0890, Subclass 16000, Org. 9358, Contingencies Account 8991 to Maintenance – Buildings & Grounds Account 7220 and Professional & Specialized Services Account 7295 (\$4,581); adopt budget resolution increasing the FY 2002-03 appropriations by \$3,084 in WWD No. 38, Fund 0890, Subclass 16000, Org. 9358, Professional & Specialized Services Account 7295, Special Departmental Expense Account 7400 and Utilities Account 7430 from General Reserves (4/5 vote)
69. Execute termination of Agreement FL-029 with Richard A. Buford pertaining to the approximate 200 acres comprising APN 020-052-02; agreement termination will be effective upon completion of Mr. Buford's almond harvest, approximately mid-November 2003
70. Award Contract No. 02-01-C, reconstruction of Academy Avenue, State Route 180 to Barstow Alignment, to low bidder K H Construction, Inc., (\$4,872,095.87)

71. Reject all bids submitted for Contract No. 02-16-CD, Cantua Creek Hydropneumatic Tank Replacement and Cantua Creek Wastewater Treatment Plant Improvements Project, CDBG Project Nos. 02061 and 02029; approve increase in CDBG funding for Cantua Creek Hydropneumatic Tank Replacement, CDBG Project No. 02061 from \$29,500 to \$41,910 and Cantua Creek Wastewater Treatment Plant Improvements, CDBG Project No. 02029 from \$39,240 to \$41,910; authorize Director of Department of Public Works and Planning to advertise for bids and set bid opening for Contract No. 02-16-CD, Cantua Creek Hydropneumatic Tank Replacement, and Cantua Creek Wastewater Treatment Plant Improvements Project, CDBG Project Nos. 02061 and 02029
72. Authorize additional payment to Tabernaculo Ministerios De Alabanza, a California corporation, for installation costs for relocation of septic system, including payment for disrupted landscaping totaling \$17,881 not covered in appraisal for entering default judgment in condemnation of right of way acquisition for Academy Avenue, State Highway 180 to Shaw Avenue
73. Approve selection of BSK & Associates to provide engineering services for plans, specifications, and cost estimate for reclamation of unlined thirty acres at American Avenue Disposal Site Phase I, Initial Study and California Environmental Quality Act documents; and authorize Director of Department of Public Works and Planning to negotiate contract agreement with this firm
74. Adopt Resolution of Intention to amend Zoning Ordinance to initiate process to consider modifications to County's secondary housing provisions as authorized under Government Code Section 65852.2
75. Adopt resolution authorizing conveyance of 2.5 acre homesite parcel from a 26 acre parcel of land subject to Agricultural Land Conservation Contract No. 136 and RLCC No. 736

**Agreements – Approve and Authorize Chairman to Execute**

76. Agreement with Caruthers Community Service District for Caruthers Concrete Lining of Aerated Ponds at the Wastewater Treatment Plant Community Development Block Grant, Project No. 02999 (\$72,276)
77. Execute Program Supplement No. 166-M to Administering Agency-State Master Agreement for Federal Aid No. 06-5942 for Little Panoche Creek Road Emergency Opening